

Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay.

The specification has been amended to eliminate some minor obvious errors. No new matter whatsoever has been added.

The Abstract has been replaced with a Substitute Abstract in conformity with US Rules.

In the original translation the word "layer" was used to translate both the word "Lage" applied to the parts 3 and 4 and the "Schichten" applied to the layers 4a and 4b. While technically correct, this has led to substantial confusion so that with this amendment both the application and claims are corrected to use the generic term "part" for the element identified at 3 and the term "layer" for the elements identified at 4a and 4b, thereby restoring a distinction parallel to that of the underlying German text. This clearly does not constitute new matter, as where the term "layer" was used for the German word "Lage" the word "part" is now used to maintain the distinction.

Main claim 1 has been canceled and replaced with a new claim 10 that defines the instant invention with the clarity required by §112 and that clearly distinguishes over the art, in particular the admitted prior art of US 6,427,985 of Kaibel. More particularly, as shown in FIG. 1, new claim 10 describes a stacked packing for a heat-exchange or mass-transfer column, the packing comprising a horizontal lower packing part 4 formed of a plurality of upright layers 4a and 4b, some of the layers 4b of the lower part being of substantially greater density and having a greater surface area than others 4a of the layers.

The term "upright" is not new matter because it is just a clearer way of saying what was described in the original claims, namely "that the packing layers (4, 4a, and 4b) are oriented transversely to the horizontal position of the packing (2, 3)" (claim 2) or that "the packing layers (4, 4a, and 4b) are set at an acute angle or perpendicular" (claim 3). Furthermore the term "senkrecht" in claim 3 can be translated either "perpendicular" or "vertical" so that there is support for "upright" in the original text. The "horizontal" in new claim 10 is found in original claim 2, so it also is not new matter. New claim 13 describes how as clearly shown in the drawing the layers 4a and 4b extend vertically all the way through the lower part 4.

Kaibel indeed states in column 2 at line 31ff that "the first, optionally lower, region of the packing layer has a higher

resistant to flow than the second, optionally upper, region of the packing layer." This is not to say that the lower layer is made up of layers of different density and specific surface area, as now clearly defined in claim 10. Much less does Kaibel suggest that the layers are upright or run vertically through the lower part.

Thus the amended claims are clearly allowable under §103 and §102 over Kaibel.

US 2003/0090009 of Zich describes a system with horizontally throughgoing layers of different densities. Nothing suggests a packing with a lower part formed by upright layers of different density. Thus the instant invention is also clearly patentable over Zich '009.

All of the claims are therefore allowable over the cited art. Notice to that effect is earnestly solicited.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this

case, the examiner is invited to call the undersigned to make the necessary corrections.

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Enclosure:      Marked Specification  
                 Clean Specification  
                 Substitute Abstract